REMARKS

Claims 1, 15, and 22 are amended. No claims are added or canceled. Hence, Claims 1–30 are pending in this application. The amendments to the claims as indicated herein do not add any new matter to this application. Each issue raised in the Office Action mailed June 5, 2008, is addressed hereinafter.

I. ISSUES RELATING TO CLAIM AMENDMENTS

Support in the Specification for the claim amendments as indicated herein have support in the following paragraphs of the Specification: Paragraph [0093] ("When the interfaces of firewall router 210 have been configured with the new temporary entries in the ACLs, the result is that **a logical passageway is opened** through the firewall to allow certain types of traffic specified in the user profile of User 302 and initiating from Client 306 to pass unobstructed to target server 222."); and Paragraph [0091] ("Preferably, the temporary entries in the ACLs are **not automatically deleted when a user terminates a session**.") (Emphases added.)

II. ISSUES RELATING TO CITED PRIOR ART

A. Claims 1–9 and 13–19, 22–23, and 25–27 —*BAIZE in view of SADOVSKY in view of CISCO I/II*

Claims 1–9 and 13–19, 22–23, and 25–27 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,317,838, issued to *Baize*, et al. ("*Baize*"), in view of U.S. Patent No. 5,689,638, issued to *Sadovsky*, et al. ("*Sadovsky*"), in further view of "Configuring IP Access Lists," by Cisco Systems, Inc. ("*Cisco I*"), in further view of "Release Notes for the Cisco 1000 Series Routers for Cisco IOS Release 11.3," by Cisco Systems, Inc. ("*Cisco II*"). The rejections are respectfully traversed.

Cisco I does not qualify as a prior art reference

35 U.S.C. § 102 requires that publications which a cited as prior art references against a patent application be "described in a printed publication ... before the invention thereof by the applicant for patent," or "described in a printed publication ... more than one year prior to the date of the application for patent in the United States." Because the copyright dates, as listed at the bottom of *Cisco I*, indicate the earliest publication date of this particular document as 2007, *Cisco I* does not qualify as a prior art reference against this application. Portions of the document might reflect subject matter that was not "described in a printed publication ... before the invention thereof by the applicant for patent," or "described in a printed publication ... more than one year prior to the date of the application for patent in the United States," as required by 35 U.S.C. § 102. Based on the foregoing, Applicants respectfully submit that *Cisco I* be removed as a reference against this application. Additionally, Applications respectfully submit that any arguments herein against *Cisco I* does not constitute an admission that the subject matter disclosed in *Cisco I* qualifies as prior art against the present application.

The Office Action cites *Cisco II* to show the existence of reflexive ACLs as early as 3/2/98. However, *Cisco II* only lists "Reflexive Access Lists" in Table 4. Thus, *Cisco II* is effective only as to the scope included in *Cisco II*, namely, the listing of "Reflexive Access Lists" in Table 4, and cannot be "stretched" to incorporate the scope of any document that was not cited within *Cisco II*. Thus, *Cisco II* cannot be used to incorporate the scope of *Cisco I*, and cannot be used to qualify *Cisco I* as a prior art reference against instant application.

Welcher should be removed as a prior art reference

Because the Office Action concedes that Applicants have successfully overcome the date of *Welcher* as a reference, *Welcher* should be **removed** as a reference, and **no longer used in any**

rejection against the claims. Even though the Office Action states that Applicants, by the 37 CFR 1.131 declaration submitted in the previous response to Office Action, have successfully overcome the date of the *Welcher* reference of 5/5/99, the Office Action continues to use the cited prior art against the claims of the instant application. As stated above, 35 U.S.C. § 102 requires that publications which a cited as prior art references against a patent application be "described in a printed publication ... before the invention thereof by the applicant for patent," or "described in a printed publication ... more than one year prior to the date of the application for patent in the United States." Portions of *Welcher* might reflect subject matter that was not "described in a printed publication ... before the invention thereof by the applicant for patent," or "described in a printed publication ... more than one year prior to the date of the application for patent in the United States," as required by 35 U.S.C. § 102. Additionally, similar to *Cisco I*, *Cisco II* cannot be used to incorporate the scope of *Welcher*, and cannot be used to qualify *Welcher* as a prior art reference against instant application.

Based on the foregoing, Applicants respectfully submit that *Welcher* be removed as a reference against this application.

Claim 1 is patentable over any combination of cited art

Claim 1 recites:

> ...
>
> means for reconfiguring the network firewall routing device to permit the client to communicate with the network resource only when the client is authorized to communicate with the network resource **based on the authorization information**, wherein the means for reconfiguring the network firewall routing device opens a logical passageway for network traffic from the client, wherein **the logical passageway does not automatically close when a user terminates a session**, wherein the means for reconfiguring the network firewall routing device further comprises:

means for determining a current IP address of the client;

means for creating a new user profile information, based on the user profile information, that includes the current IP address; and

means for adding the new user profile information as temporary entries to the Input Access Control List at the external interface and to the Output Access Control List at the internal interface.

(emphases and labels added). In applying references against a claim, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (See also MPEP § 2131.)

No combination of the references shows the claimed invention in "complete detail as is contained in the … claim." In particular, no combination of the references show all the features of "means for reconfiguring the network firewall routing device" arranged as required by the claim.

"[M]eans for reconfiguring the network element firewall routing device," as recited in Claim 1, satisfies ***specific conditions***, specifically, the condition of "only when the client is authorized to communicate with the network resource **based on the authorization information**." Thus, all the features of the "means for reconfiguring the network element firewall routing device" also require the condition of "only when the client is authorized to communicate with the network resource **based on the authorization information**," as recited in Claim 1. The "means for reconfiguring" is therefore inseparable from the condition of "only when the client is authorized to communicate with the network resource **based on the**

authorization information," and any reference used to teach such "means for reconfiguring" must also teach the means satisfying such a specific condition.

Baize does not teach or disclose "means for reconfiguring the network element firewall routing device to permit the client to communicate with the network resource," wherein such means for reconfiguring necessarily "opens a logical passageway for network traffic from the client, wherein **the logical passageway does not automatically close when a user terminates a session**," Instead, in complete contrast to Claim 1, *Baize* discloses allowing such communication "**only as long as the same session remains opened**." (*Baize*, Col. 7, lines 17–18.) Because *Baize* does not teach such means to reconfigure, it logically follows that *Baize* cannot teach such means satisfying any specific condition.

Furthermore, *Baize* does not teach or disclose such "means for reconfiguring" comprising "means for determining a current IP address of the client;/means for creating a new user profile information, based on the user profile information, that includes the current IP address; and/means for adding the new user profile information as temporary entries to the Input Access Control List at the external interface and to the Output Access Control List at the internal interface." In contrast to the "means for configuration," as recited in Claim 1, in response to a subsequent request to communicate, *Baize* instead configures the firewall to request authentication from the authentication server anew, and to apply "application rules according to the operational profile of the user Ux." Again, because *Baize* does not teach such means to reconfigure, it logically follows that *Baize* cannot teach such means satisfying any specific condition.

The Office Action relies on *Cisco I/II* to teach such feature of "means for reconfiguring." However, *Cisco I/II* are deficient because while *Cisco I/II* disclose reflexive ACLs, Cisco I/II do

not teach any ***usage*** of reflexive ACLs that satisfy the condition of "only when the client is authorized to communicate with the network resource **based on the authorization information**," as required by Claim 1. Instead, *Cisco I/II* disclose only **a limited usage** of reflexive ACLs that is distinct from the features recited in Claim 1, namely "reflexive ACLs ... are generally used to allow outbound traffic and to limit inbound traffic **in response to sessions that originate inside the router**," (Cisco I, page 15; emphases added.) Therefore, *Cisco I/II* do not teach using reflexive ACLs based on any authorization to communication **based on Claim 1's "authorization information."** In contrast to Claim 1, the only authorization information that *Cisco I* teaches is the information that **a session originated inside the router**, which is distinct from Claim 1's "authorization information." Because *Cisco I* does not disclose usage of reflexive ACLs that satisfy the specific condition as required in Claim 1, is it respectfully submitted that Cisco I/II fails to "fill the gaps" left behind by *Baize*.

Sadovsky does not "fill the gaps" left behind by *Baize* or *Cisco I/II* because *Sadovsky* does not teach "means for determining a current IP address of the client;/means for creating a new user profile information, based on the user profile information, that includes the current IP address; and/means for adding the new user profile information as temporary entries to the Input Access Control List at the external interface and to the Output Access Control List at the internal interface" that satisfy the condition of "only when the client is authorized to communicate with the network resource based on the authorization information." Instead, *Sadovsky* merely teaches maintaining a cache of usernames and passwords at a central server. It does not teach any user profile information, or any client authentication information that indicates any access privileges the client has with respect to the resource, as recited in Claim 1. It does not teach creating any

new user information data that includes any current IP addresses. Therefore, *Sadovsky* does not "fill the gaps" that *Baize* and *Cisco I* leave with respect to Claim 1.

No motivation to combine Baize and Cisco I

Furthermore, there is no motivation to combine *Baize* and *Cisco I* by modifying the teachings of *Baize* with *Cisco I*. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)" (MPEP 2143.01). The system of *Baize* would be rendered unsatisfactory for its intended purpose if modified with the features described in *Cisco I*. *Baize* clearly states that *Baize* is intended, for security purposes or otherwise, to re-send a request for reauthentication from the server Ss for "any subsequent request" for access to a server or resource by a client. (Col. 7, lines 3–14.) In *Baize*, user operational profiles are downloaded, and used with application rules 50. However, no portion of *Baize* teaches any **modification of *Baize*'s IP filtering rules 20**. Thus, any proposed modification of such IP filtering rules 20, such as adding reflexive ACLs as described in *Cisco I*, which allow access without requiring reauthentication from server Ss, would render *Baize* unsatisfactory for its intended purpose. Therefore, there is no suggestion or motivation to make the modification of adding the reflexive ACLs as described in *Cisco I* to *Baize*.

Based on the foregoing, Applicants respectfully submit that no combination of references, whether properly or improperly combined, cited against Claim 1 show the arrangement of features in as "complete detail as is contained in the ... claim." It is respectfully submitted that Claim 1 is patentable over *Baize*, in view of *Sadovsky*, in view of *Cisco I/II*.

Independent Claim 15 and 22 include features similar to Claim 1. It is therefore respectfully submitted that Claims 15 and 22 are patentable over *Baize*, in view of *Sadovsky*, in view of *Cisco I/II*, for at least the reasons given above with respect to Claims 15 and 22.

Claims 2–9, 13–14, 16–19, 23, and 25–27 are dependent claims, each of which depends (directly or indirectly) on Claims 1, 15, and 22. In addition, each of Claims 2–9, 13–14, 16–19, 23, and 25–27 introduces one or more additional features that independently render it patentable. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claims 2–9, 13–14, 16–19, 23, and 25–27 is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

B. CLAIM 12 —*BAIZE in view of SADOVSKY in view of CISCO I/II, in further view of COSS*

Claim 12 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Baize*, in view of *Sadovsky*, in view of *Cisco I/II*, in further view of U.S. Patent No. 6,170,012 issued to *Coss* et al. The rejections are respectfully traversed.

Claim 12 is a dependent claim, which depends (directly or indirectly) on Claim 1. The Office action relies on *Coss* for teaching the limitations within those dependent claims. However, *Coss* does not "fill the gaps" that *Baize* and *Sadovsky* leave with respect to independent Claim 1. Any combination of *Baize*, *Sadovsky*, *Cisco I/II* and *Coss* fails to provide the complete claimed subject matter of Claim 1. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claim 12 is not included at this time. In addition, Claim 12 introduces one or more additional

features that independently render it patentable. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

C. CLAIMS 10–11, 20–21, 24, and 28–30 —*BAIZE in view of SADOVSKY in view of CISCO I/II, in further view of KLASSEN*

Claim 12 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Baize*, in view of *Sadovsky*, in view of *Cisco I/II*, in further view of U.S. Patent No. 6,170,012 issued to *Klassen* et al. The rejections are respectfully traversed.

Claims 10–11, 20–21, 24, and 28–30 are dependent claims, each of which depends (directly or indirectly) on Claims 1, 15, or 22. The Office action relies on *Klassen* for teaching the limitations within those dependent claims. However, *Klassen* does not "fill the gaps" that *Baize*, *Sadovsky* and *Cisco I/II* leave with respect to independent Claims 1, 15, or 22. Any combination of *Baize*, *Sadovsky*, *Cisco I/II*, and *Klassen* fails to provide the complete claimed subject matter of Claims 1, 15, or 22. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claims 10–11, 20–21, 24, and 28–30 is not included at this time. In addition, each of Claims 10–11, 20–21, 24, and 28–30 introduces one or more additional features that independently render it patentable. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

In view of the proper withdrawal of all rejections based on *Welcher*, and *Cisco I* because neither are not citable as prior art against the application, or alternatively, in view of the arguments presented that traverse the rejections based on the cited art, it is respectfully asserted that the claims are now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: September 5, 2008

/RhysWCheung#58648/
Rhys W. Cheung
Reg. No. 58,648

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
Telephone: (408) 754-1450
Fax: (408) 414-1076